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S E C R E T SECTION 01 OF 02 SANAA 001570

SIPDIS

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TAGS: [PREL](#) [PTER](#) [YM](#) [KWAC](#) [COUNTER](#) [TERRORISM](#)

SUBJECT: ROYG RELUCTANT TO COMMIT TO ACCEPT GTMO RETURNEES

REF: A. STATE 105271

[B](#). STATE 95828

[C](#). STATE 92662

[D](#). SANAA 1532

[E](#). SANAA 1516

Classified By: Ambassador Thomas C. Krajewski for reasons 1.5 b and d.

[1](#). (C) Despite several demarches, the ROYG continues to stall on giving full assurances that it will accept the return of Yemeni GTMO detainees. The purpose of this message is to shed light on ROYG reluctance to provide requested official guarantees for the Deputies Committee on Detainees. Ref A demarche will be delivered on June 12.

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Message Delivered Repeatedly  
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[2](#). (C) Ambassador delivered ref B demarche to Foreign Minister Qirbi on May 18 (ref E). The FM said he would consider our request for ROYG commitments on accepting returning Yemeni GTMO detainees determined to no longer pose a threat to U.S. national security and to guarantee their human treatment. When the MFA failed to respond, Ambassador repeated ref B demarche as well as delivered ref C demarche to Qirbi June 1, emphasizing the need for a timely reply. Qirbi went so far as to say, "If the U.S. has nothing against them, we have nothing against them," but refrained from official acceptance of the return of Yemeni GTMO detainees. Pol/Econ Chief followed up June 5 with Deputy Foreign Minister Mustafa Noman who could not elaborate on Qirbi's statement (ref D).

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If they are Yemeni...  
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[3](#). (S) Throughout the GTMO notification process, the ROYG has repeatedly asked for additional information on Yemeni detainees, complaining that providing names in English is insufficient to confirm their Yemeni nationality. Pol/Econ Chief routinely delivers notification to MFA on individuals scheduled to go before the ARB to determine their status. On almost every occasion, the MFA has requested passports or other documentation, pictures, and especially names in Arabic in order to confirm they are Yemeni. In order to settle this issue, a delegation of Yemeni security officials was granted approval to travel to GTMO to interview Yemeni detainees and confirm their citizenship. Due to complications on the USG side, however, the trip has been postpone three times and is not expected to take place in October.

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Muddy Waters  
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[4](#). (C) ROYG Confusion remains as to what exactly the U.S. is requesting with regard to Yemenis at GTMO. Throughout the notification process, officials have expressed their confusion. Lack of English language capabilities among the security services has been cited more than once by Deputy Foreign Minister Noman as a complicating factor in eliciting satisfactory ROYG responses to GTMO-related USG requests. This is especially true of the process to determine enemy combatant status, with the ROYG insisting that it could not provide supporting materials for Yemenis coming before ARB because it could not determine who were their families and associates base on the information we provided.

[5](#). (C) Post is now delivering three types of ARB notifications to Yemen: the ARB met and will continue to hold the detainee as an enemy combatant; the ARB met, determined the detainee is no longer an enemy combatant, and therefore the USG wants to return him to Yemen; and, the ARB met and determined the individual remains a threat, however, the USG wants to return him to Yemen on the condition of certain ROYG security and legal assurances. Ref A demarche, the first notification of the latter later type, will be delivered on June 12. (Comment: While confusion along does not explain ROYG reluctance to provide requested assurances, it should not be wholly discounted. End Comment).

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ROYG Security, Political and PR Concerns  
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16. (S) The ROYG is reluctant to accepted returning detainees and provide human rights guarantees. Why? One the one hand, returnees are likely to be detained, at least temporarily, until their nationality is confirmed and the threat they may pose to ROYG security assessed. On the other hand, holding them upon arrival would create a public relations problem for the regime, particularly in the run-up to the 2006 local councils and Presidential elections.

17. (C) During last December's Ramadan amnesty, President Saleh and other high-level officials were quick to point to a U.S. "double standards" regarding pressure to hold off indefinitely on releasing some security detainees slated for amnesty. In addition to opposition criticism of the regime for being "too close to you (the USG)," said Saleh at that time, you turn around and "blast Yemen in your Human Rights Report" for violating the rights of prisoners.

18. (C) Comment: USG provision of better documentation to the ROYG, particularly the full names of Yemenis GTMO detainees in Arabic, might help attain a smoother process. The ROYG's non-transparent investigation process, competing security and investigatory agencies, and weak judicial institutions, however, are unlikely to yield prompt and sufficient answers to our questions on possible ROYG detention, investigation, prosecution, and surveillance of returnees from GTMO (ref A). End Comment.  
Krajeski